

Pratitioner's Docket No. MSU 4.1-541

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PATENT 654
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: **Muraleedharan G. Nair, Haibo Wang, Gale M. Strasburg, Alden M. Booren, and James I. Gray**

Application No.: **09/761,143** Group No.: **4327**

Filed: **2001 January 16** Examiner: **Patricia A. Patten**

For: **METHOD FOR INHIBITING CYCLOOXYGENASE AND
INFLAMMATION USING CYANIDIN**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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**REPLY BRIEF UNDER 37 C.F.R. 1.193 (b)
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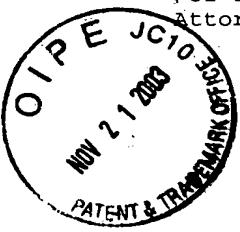
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Appln. No. 09/761,143
Reply-dated November 7, 2003
In Response to Examiner's Answer
of 10/02/03
Attorney Docket No.: MSU 4.1-541

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Applicants: Muraleedharan G. Nair, Haibo Wang, Gale M. Strasburg, Alden M. Booren, and James I. Gray

Serial No.: 09/761,143 Confirmation No.: 4327

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For : METHOD FOR INHIBITING CYCLOOXYGENASE AND INFLAMMATION USING CYANIDIN

TC/A.U. : 1654

Examiner : Patricia A. Patten

Customer No.: 21036

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REPLY BRIEF UNDER 37 C.F.R. § 1.193(b)

Sir:

In the Examiner's Answer on page 6 it is asserted that:

"It is further noted that cyanidin is found in nature in the glycosidic anthocyanin form as displayed below"

with a glycosated anthocyanin shown and a circle around a "cyanidin core structure" as an indication that cyanidin did not occur in nature (such as cherries).

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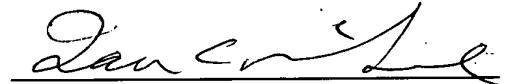
This statement is not consistent with the art cited in the application on page 2, line 35 to page 3, line 3, particularly Dekazos, E.D., J. Of Food Science **35** 237-241 (1970), cited as reference A5 and attached hereto for the convenience of the Board. This reference discusses Montmorency cherries and other sour cherries and Table 2 clearly identified "cyanidin" as a color pigment in the skin. Since the anthocyanins occur in the pulp as well, it is very likely that they would occur in the pulp. In any event, in Applicants' Examples 1 and 2 the whole cherry (including the skin) was blended in the WARING blender. Thus cyanidin clearly occurs in nature and is in the naturally derived compositions described in the application. The hydrolyzed glycosylated anthocyanins were used to obtain enough for testing in the Examples.

Clearly Applicants' invention is enabled under 35 USC 112, first paragraph. The arguments in the Examiner's Answer are based upon pure speculation and not science. The Dekazos reference essentially negates the contents of the Examiner's Answer.

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Reversal of the Rejection is requested.

Respectfully,



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